

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. RUBBISH CONTROL.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Milk.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1975 Code, § 8-401)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1975 Code, § 8-405)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (1975 Code, § 8-406)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1975 Code, § 8-407)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1975 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1975 Code, § 8-409)

13-107. House trailers.¹ It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1975 Code, § 8-404)

13-108. Milk. The production, transportation, processing, handling, sampling, examinations, grading, labeling, regrading, and sale of all milk and milk products sold for ultimate consumption within the City of LaFollette or its police jurisdiction; the inspection of dairy herds, dairies, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors; and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the ordinance in Milk Ordinance and Code - 1953 Recommendations of the Public Health Service, a certified copy of which shall be on file in the office of the city recorder. Provided, that the words "municipality of" in said unabridged form shall be understood to refer to LaFollette, Tennessee: Provided further, that in said unabridged form all parentheses marks enclosing words referring to degrading shall be understood

¹Municipal code reference
Zoning ordinance: title 14.

to be deleted: Provided further, that in Section 1, Definitions A, Milk - milk shall be understood to contain 8 1/2 per cent milk solids-not-fat and 3 1/2 per cent milk fat and that 8 1/2 per cent milk solids-not-fat and 3 1/4 per cent milk fat shall be deleted: and R, Health Officer - the term health officer shall mean the Director of the Campbell County Health Department or his authorized representatives: Provided further, that the wording of footnote 25 to Section 6 of said unabridged ordinance shall apply: Provided further, that in Section 7, Item 1-R, of said unabridged ordinance, plan A, approved by the Bureau of Animal Industry, United States Department of Agriculture for the eradication of brucellosis shall be in effect immediately: Provided further, that Sections 8, 16, and 17 of said unabridged ordinance shall be replaced, respectively, by Sections (1), (2), and (3) below.

(1) From and after six months from the date on which this ordinance is adopted, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments, except grade A pasteurized: Provided, that when any milk distributor fails to qualify for the above grade, the health officer is authorized to suspend his permit and/or to institute court action, or, in lieu thereof, to degrade his product and to permit its sale during a temporary period not exceeding thirty (30) days, or in emergencies such longer periods as he may deem necessary.

(2) Any person who shall violate any provision of this ordinance shall be fined not more than fifty dollars (\$50.00) at the discretion of the court. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

(3) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect immediately upon its adoption and publication, as provided by law. (1975 Code, § 8-410)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of city council.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of city council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the mayor and city council of the City of LaFollette finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #565, ____)

13-202. Definitions. (1) "Municipality" shall mean the City of LaFollette, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #565, ____)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #565, ____)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #565, ____)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such

structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #565, ____)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #565, ____)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #565, ____)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Campbell County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any

balance remaining shall be deposited in the Chancery Court of Campbell County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lafollette to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #565, ____)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lafollette; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (Ord. #565, ____)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Campbell County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #565, ____)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because

of noncompliance by such person with any order of the public officer. (Ord. #565, ____)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #565, ____)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #565, ____)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #565, ____)

CHAPTER 3

RUBBISH CONTROL

SECTION

- 13-301. Growth of weeds, brush, etc. on property.
- 13-302. Accumulation of rubbish prohibited.
- 13-303. Vision of operators of vehicles not to be obstructed.
- 13-304. Abandoned vehicles.
- 13-305. Notice to be published in newspaper.
- 13-306. Notice to be given by city administrator to clean up property.
- 13-307. City administrator power to remedy nuisance; reasonable costs of work to be charged to owner of property.
- 13-308. Violation and penalty.

13-301. Growth of weeds, brush, etc. on property. It shall be unlawful for any person owning, leasing, occupying or having control of property regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette, to permit the growth upon such property of weeds, grass, brush and all other rank or obnoxious vegetation to a height greater than two (2) feet when such growth is within 200 ft. of occupied residential or commercial property or within 200 ft. of any street, thoroughfare, or highway within the City Limits of LaFollette, Tennessee. The failure to cut and/or destroy such weeds, grass, brush, and all other rank and obnoxious vegetation shall constitute a violation of this chapter. It shall also be unlawful for any such person or persons to permit poison ivy or other plants due to pollination, injurious or a menace to health to grow where they may cause injury or discomfort to any person within the City of LaFollette regardless of height or such; are hereby declared to be a public nuisance. (Ord. #467, Sept. 1981)

13-302. Accumulation of rubbish prohibited. It shall also be unlawful for any person owning, leasing, or occupying or having control of property regardless of whether the property is a vacant lot or contains any form of structure in the City of LaFollette to permit the accumulation upon such property of rubbish in any form or nature for such is hereby declared to be a public nuisance. The failure to clean up and remove such rubbish shall constitute a violation of this chapter. The failure to cut and remove dead trees and dead and broken limbs shall constitute a violation of this chapter; in as much as same constitutes a nuisance and a menace to life and property of citizens of this city. (Ord. #467, Sept. 1981)

13-303. Vision of operators of vehicles not to be obstructed. In complying with the aforesaid such section or sections of this chapter, it shall

be unlawful for any person owning, leasing, occupying or having control of property in the City of LaFollette to pile any rubbish or allow to grow any weeds, grass, brush or vegetation on property that might obstruct the vision of operators of vehicles and of pedestrians or obstruct the flow of water drainage. (Ord. #467, Sept. 1981)

13-304. Abandoned vehicles. It shall be unlawful for any person to park, store, or place or locate on any public or private property or the owner or occupant of any property to park, store, locate or allow to be located on private or public property owned or occupied by such owner or occupant outside a legally constructed fully enclosed structure, any abandoned, disabled or inoperative motor vehicle or any abandoned, inoperative, disabled or unattended ice box, freezer, refrigerator, parts thereof, or any junk material whatsoever. In the event the owner or occupant of any property, upon which is located outside a legally constructed fully enclosed structure any abandoned, disabled, or inoperative motor vehicle or any abandoned, inoperative or disabled or unattended ice box, freezer, refrigerator, parts thereof or any junk, shall fail to remove the same within ten (10) days after receiving written notice requiring such removal, the city may cause removal or immediate disposal of said abandoned, disabled, or inoperative, unattended ice box, freezer, refrigerator, or any such junk or rubbish. Removal and disposal of such objects may be confiscated by the city work force or by private contract. The city shall serve notice of removal of said item and the occupant shall have thirty (30) days from the date of service of said notice to retrieve the item. If the item is not retrieved in thirty (30) days, the city may dispose of this item.

It shall be lawful, however, subject to all other ordinances and regulations of the city to park, store, maintain or locate inoperative motor vehicles outside a fully enclosed structure providing that such parking, storage, maintaining or locating for each such vehicle is for no more than a maximum of 10-24 hour periods or a fraction thereof; whether or not consecutive in any one (1) calendar year. (Ord. #467, Sept. 1981)

13-305. Notice to be published in newspaper. Publication of this chapter after passage in the LaFollette Press, a paper of general circulation shall be considered sufficient notice to effect the persons to comply with its provisions. Publication of a notice concerning this chapter in any newspaper of general circulation in the City of LaFollette may be made at the direct discretion of the city administrator and shall be considered only as a reminder to effect the persons complying with its provisions in succeeding years after passage of this chapter. (Ord. #467, Sept. 1981)

13-306. Notice to be given by city administrator to clean up property. If the provisions of this chapter are not complied with, the city administrator shall give notice in writing to the owner, owners agent or

occupant of such lot or parcel of land of said condition requiring the cutting, removal and/or destruction of said weeds, grass, or brush, vegetation or rubbish within 15 days of the date of said notice. Such notice may be given in person or by mail addressed to the last known address of the owner. This notice will be mailed by certified mail. (Ord. #467, Sept. 1981)

13-307. City administrator power to remedy nuisance; reasonable costs of work to be charged to owner of property. Should the owner of said property fail to remedy such condition within said time the city administrator is empowered and directed to remedy the condition of the nuisance or cause the same to be done by city personnel. Following the completion of said work the city administrator shall determine the reasonable cost thereof, plus fifteen (15) per cent for inspection and other incidental costs in connection therewith and bill the owner or tenant therefore. If the bill is not fully paid within sixty (60) days after the mailing of said bill, a ten (10) per cent penalty shall be added and it shall be placed on the tax roll of the City of LaFollette as a lien upon the property and collected in the same manner as other city taxes are collected. (Ord. #467, Sept. 1981)

13-308. Violation and penalty. Any person, firm, or corporation who shall violate the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof and in addition to the aforesaid shall be punished by a fine not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) and each day's violation shall constitute a separate offense. (Ord. #467, Sept. 1981)